



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Jonas et al.
Application NO.: 10/656,179
FILED: Sep. 8, 2003
FOR: ABSORBENT INSERTS, METHOD OF PRODUCING THEM
AND THEIR USE

DECLARATION UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Martin Tennie, hereby declare as follows:

1. I am a citizen of Germany, residing at Am Kalvarienberg 6, 47 809 Krefeld
2. I studied chemistry at the University Niederrhein of Krefeld and received a degree in the field Chemical-engineering in the year 1989.
3. Since 1th March 1998, I have been employed as a chemist in the field of Research and Development Superabsorbent-Polymers and I am still working in this field for the company of Stockhausen GmbH, Krefeld, Germany.
4. The following tests were made under my supervision and control:

In the previous declaration from August 18, 2005 I made a statement that shows different test results for retention values and absorption under load values for the Examples 1 and 3 from the US 5,672,633, Brehm et al.

The reason for this new declaration is that I repeated the tests in a larger scale that is closer to the scale described in the examples of the patent. Due to this scale enlargement the new results were comparable to the original figures of the patent. Additionally I determined the properties of the examples given in Table 1 of US 5,672,633.

Q_{SAP}-Results for polymers mentioned in Table I of US 5,672,633

Tests according DE 40 20 780

Example	Retention [g/g]	AAP 0,3PSI [g/g]	LA 16h [%]	Q _{SAP 0,3}
9	41	29	5,8	12
10	40	32	5,0	14
11	41	33	4,8	15
12	35	33	4,2	16
13	33	34	3,8	18

Tests according to EP A 04 50 924

Example	Retention [g/g]	AAP 0,3PSI [g/g]	LA 16h [%]	Q _{SAP 0,3}
1	40	23	4,5	14
3	42	26	4,0	17

Q_{SAP}-Results for polymers of Example 1, 2 and 3 of US 5,672,633

Example	Retention [g/g]	AAP 0,3PSI [g/g]	LA 16h [%]	Q _{SAP 0,3}
Powder A	41	26	6,5	10
1	34	30	4,3	15
2	35	30	3,8	17
Powder B	40	26	5,2	13
3	37	32	4,1	17

Testsolution: 0,9 wt% NaCl

As can be seen from the results the polymers cited in US 5,672,633 do not have the claimed Q_{SAP 0,3} value of at least 20.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further, these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

13 Feb. 2006
(Date)

M. Tennie
(Martin Tennie)